

PE 458
SEP 9 9 2006

Terminal Disclaimer To Obviate A Double
Patenting Rejection Over A Prior Patent

Docket No.
LeA 33801 D1

In Re Application Of: Schroeder, et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/600,409	June 19, 2003	Young, Micah Paul		1618	

Invention: Process for the Production of Rapidly Disintegrating Solid Pharmaceutical Preparations

Owner of Record: Bayer AG of Leverkusen, Germany

10/02/2006 EHAILE1 00000036 021441 10600489

02 FC:1051 130.00 DA

COMMISSIONER FOR PATENTS:

The above-identified owner of record of a 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,602,520. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney of record.



Signature

Dated: September 27, 2006

Richard S. Bullitt

Typed or Printed Name

Terminal disclaimer fee under 37 C.F.R. 1.20(d) included.
 PTO suggested wording for terminal disclaimer was unchanged.
Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee.

10/02/2006 EHAILE1 00000041 021441 10600489
01 FC:1814 130.00 DA



SEP 29 2006

UNITED STATES
PATENT AND
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MAY 07, 2002

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BAYER CORPORATION
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RECORDATION DATE: 01/03/2002

REEL/FRAME: 012661/0009
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:
SCHROEDER, MARCO

DOC DATE: 10/10/2001

ASSIGNEE:
STEFFENS, KLAUS-JURGEN

DOC DATE: 10/13/2001

ASSIGNEE:
BAYER AKTIENGESELLSCHAFT
D 51368 LEVERKUSEN, FED REP GERMANY

FILING DATE: 01/03/2002
ISSUE DATE:

SERIAL NUMBER: 10030456
PATENT NUMBER:

PAULA MCCRAY, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

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Assignment

For valuable consideration, the receipt and adequacy of which is hereby acknowledged,

I/We

1)Marco Schroeder 2)Klaus-Jürgen Steffens

1) An der Halden 14a, D 79650 Schopfheim-Wiechs, Germany
2) Schwanallee 1, D 35037 Marburg, Germany

Hommelsheimstraße 9, D 53359 Rheinbach, Germany

hereby sell, assign, and transfer unto Bayer Aktiengesellschaft a corporation of Germany, located at D 51368 Leverkusen, Germany the entire right, title, and interest in and to my/our application for Letters Patent of the United States, executed concurrently herewith, entitled

METHOD FOR PRODUCING QUICKLY DECOMPOSABLE SOLID PHARMACEUTICAL PREPARATIONS

Filed: June 27, 2000

PCT-Serial No.: PCT/EP00/05938

and my/our entire right, title, and interest in and to all my/our inventions, whether joint or sole, disclosed in said application for Letters Patent, and in and to all divisional or continuation applications that may be filed for United States Letters Patent for any of said inventions, and in and to all patents that may be granted on the foregoing applications, and I/we hereby agree, whenever requested, to communicate to said assignee, its successors and assigns, any facts known to my/us respecting said inventions and to execute all applications or papers necessary to obtain and maintain proper patent protection on said inventions in the United States.

Date/Datum

Inventor(s)/Erfinder

10.10.2001

1. Yours truly

23. 10. 2001

2. UUUU

10/050456

Docket No.: LeA 33.801

03 JAN 2002

Form PTO-1595
(Rev. 03/01)

OMB No. 0651-0027 (exp. 5/31/2002)

RECORDATION FORM COVER SHEET

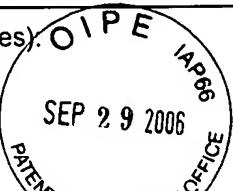
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To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Schroeder, Marco
Steffens, Klaus-Jurgen

2. Name and address of receiving party(ies)

Name: Bayer Aktiengesellschaft

Internal Address: _____

Additional name(s) of conveying party(ies) attached? Yes No

3. Nature of conveyance:

<input checked="" type="checkbox"/> Assignment	<input type="checkbox"/> Merger
<input type="checkbox"/> Security Agreement	<input type="checkbox"/> Change of Name
<input type="checkbox"/> Other _____	

Execution Date: October 13, 2001

Street Address: D 51368 Leverkusen, Germany

City: _____ State: _____ Zip: _____

Additional name(s) & address(es) attached? Yes No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: 10/13/01

A. Patent Application No.(s)

U.S. Application Corresponding to PCT Application
No. PCT/EP00/05938

B. Patent No.(s)

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Richard S. Bullitt

Internal Address: Bayer Corporation

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41).....\$ 40.00

 Enclosed Authorized to be charged to deposit account

8. Deposit account number:

02-1441

(Attach duplicate copy of this page if paying by deposit account)

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City: Morristown State: NJ Zip: 07962

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Richard S. Bullitt

Name of Person Signing

Signature

January 3, 2002

Date

2

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